

REMARKS

Claims 1-9 and 48-50 are active. This Amendment is the same as the Amendment filed September 1, 2006, except that a marked-up copy of the amendment to the first paragraph on page 1 of the specification is provided, see 37 C.F.R. §121(a)(ii).

Claim 1 has been amended to include the limitations of Claim 10. Redundant terms such as “step” have been removed from the claims and the process steps now use the convention gerund format, e.g., “gelling”. Claims 10 and nonelected Claims 14-15 have been cancelled. Claims 48-50 depend from Claim 1 and find support on page 1 and on 52, lines 14-19. Claims 13-16, 19-23, 26-29 and 32-41 have been withdrawn from consideration. Accordingly, the Applicants do not believe that any new matter has been added. Favorable consideration and an early examination on the merits are now respectfully requested.

Allowable Subject Matter

The Applicants thank Examiner Jolley for indicating that Claim 10 would be allowable if placed in independent form. The limitations of Claim 10 now appear in independent Claim 1. Accordingly, the Applicants respectfully submit that Claim 1 and dependent Claims 2-9 and new Claims 48-50 are now allowable.

Restriction/Election

The Applicants previously elected Group I, Claims 1-10, without traverse.

Objection—Specification

While the Application Data Sheet already refers to the prior U.S. applications to which priority is claimed, page 1 of the specification has also been revised to recite this information. Accordingly, this objection is now moot.

Rejection—35 U.S.C. §112, second paragraph

Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph as being indefinite.

This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §103

Claims 1-9 were rejected under 35 U.S.C. 103(1) as being unpatentable over Smith et al., U.S. Patent No. 6,130,152. This rejection is moot in view of the incorporation of the limitations of Claim 10 into independent Claim 1.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas M. Cunningham". The signature is fluid and cursive, with the first name "Thomas" being more prominent than the last name "Cunningham".

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